

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ULYSSES JACKQUES JOHNSON)
BUSH,)
)
Petitioner,)
)
-vs-) Case No. CIV-17-0803-F
)
JOE ALLBAUGH, DOC Director,)
)
Respondent.)

ORDER

Petitioner Bush has filed a petition seeking habeas relief under 28 U.S.C. § 2254, challenging his criminal conviction by the State of Oklahoma.

On October 24, 2017, Magistrate Judge Suzanne Mitchell entered a Report and Recommendation (the Report). Doc. no. 15. The Report recommends denial of the petition for habeas relief. Petitioner objects to the Report, setting out numerous objections. Doc. no. 16.

As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. The forty-three page Report addresses each of petitioner's fourteen claims for habeas relief in detail, including the matters which form the basis of petitioner's objections to the Report. Having concluded its review, the court finds that it agrees with the conclusions stated in the Report and that no purpose would be served by any further analysis here.

Plaintiff's objections to the Report are **DENIED**. The Report and Recommendation of the Magistrate Judge is **ACCEPTED, ADOPTED** and

AFFIRMED. In accordance with the Report, the petition for a writ of habeas corpus is **DENIED**.

Movant is entitled to a certificate of appealability only upon making a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This standard is satisfied by demonstrating that the issues movant seeks to raise are deserving of further proceedings, debatable among jurists of reasons, or subject to different resolution on appeal. *See, Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (“[W]e give the language found in §2253(c) the meaning ascribed it in [Barefoot v. Estelle, 463 U.S. 880, 893 (1983)], with due note for the substitution of the word ‘constitutional.’”). “Where a district court has rejected the constitutional claims on the merits,...[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Id.* When a prisoner’s habeas petition is dismissed on procedural grounds without reaching the merits of the prisoner’s claims, “a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.* Petitioner has not made the requisite showing and a certificate of appealability is **DENIED**.

IT IS SO ORDERED this 11th day of December, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE